

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2218

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :

Plaintiff, :
: NOTICE OF MOTION FOR
: DEFAULT JUDGMENT

- v - : 07 Civ. 6822 (JSR)

\$164,330.00 UNITED STATES :
CURRENCY, :
:
Defendant-in-rem.
-----X

PLEASE TAKE NOTICE that upon the declaration of Anna E. Arreola, Assistant United States Attorney, dated March 14, 2008; upon the Clerk's Certification of default (attached hereto as Exhibit A); upon the accompanying proposed Default Judgment (attached hereto as Exhibit B); and upon all prior proceedings herein; the plaintiff will move this Court before the Honorable Jed S. Rakoff, United States District Judge, United States Courthouse, Courtroom 14B, 500 Pearl Street, New York, New York 10007, on Monday, May 5, 2008 at 12:30 p.m., on submission, for an order pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure granting default judgment in favor of the plaintiff, United States of America, and forfeiting the defendant-in-rem to

the United States of America and for such other relief as is just and proper.

Dated: New York, New York
April 4, 2008

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff
United States of America

By: /s/
ANNA E. ARREOLA
Assistant U.S. Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2218

AFFIDAVIT OF SERVICE

I, Corinne L. Scalogna, affirm, under penalty of perjury pursuant to 28 U.S.C. § 1746, the following:

I am employed with FSA in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York.

On April 4, 2008, a copy of the Notice of Motion for Default Judgment, the Clerk's Certification, the Government's proposed Default Judgment and the Government's Declaration in Support of Default Judgment were sent, by certified mail, return receipt requested, to:

Steven M. Statsinger, Esq.
Federal Defenders of New York, Inc
52 Duane Street, 10th floor
New York, New York 10007

Darryl Steele #11666055
FCI Elkton
Federal Correctional Institution
P.O. Box 10
Lisbon, Ohio 44432

Frank Handelman, Esq.
Three New York Plaza, 10th floor
New York, New York 10004

Michael Robinson #53699-054
FCI Otisville
Federal Correctional Institution
P.O. Box 1000
Otisville, New York 10963

Executed on: April 4, 2008
New York, New York


CORINNE L. SCALOGNA

Exhibit A

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ANNA ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2218

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

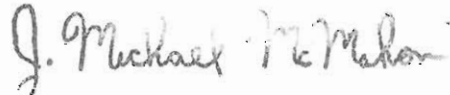
-----X
UNITED STATES OF AMERICA, :

Plaintiff, :

- v - : CLERK'S CERTIFICATION
: 07 Civ. 6822 (JSR)
\$164,330.00 IN UNITED STATES :
CURRENCY, :
:
Defendant-in-rem. :
-----X

I, Michael McMahon, Clerk of the United States District Court for the Southern District of New York, hereby certify that the docket entries in the above-captioned case indicate that the verified complaint herein was filed on July 30, 2007, and that proof of publication was filed in the Clerk's office on January 9, 2008. No party has filed a claim or answer or otherwise moved with respect to the defendant-in-rem, and the time to file a claim with respect to said property has expired. The default of all persons is hereby noted.

Dated: New York, New York
April 3, 2008



Michael McMahon
CLERK OF THE COURT

Exhibit B

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ANNA ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza, 3rd Floor
New York, New York 10007
Tel. (212) 637-2218

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA, :

Plaintiff, :

- v - : DEFAULT JUDGMENT
: 07 Civ. 6822 (JSR)
\$164,330.00 IN UNITED STATES :
CURRENCY, :
:
Defendant-in-rem.
-----x

WHEREAS, on July 30, 2007, the United States commenced a civil action for the forfeiture of the above-referenced defendant-in-rem (the "Defendant Currency") by the filing of a verified complaint;

WHEREAS, on or about July 31, 2007, notice of the verified complaint was sent by certified mail to Darryl Steele ("Steele") at the Federal Correctional Institution, Mckean, P.O. Box 8000, Bradford, Pennsylvania 167011; Steele's attorney, Steven M. Statsinger, Esq., at the Federal Defenders of New York Inc., 52 Duane Street, 10th floor, New York, New York 10007; Michael Robinson ("Robinson") at the Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14011; and Robinson's attorney, Frank Handelman, at Three New York Plaza,

10th Floor, New York, New York 10004;

WHEREAS, Steele and Robinson are the only persons known by the Government to have a potential interest in the Defendant Currency;

WHEREAS, notice of the verified complaint and in rem warrant against the Defendant Currency was published in the New York Law Journal on October 11, 2007, and proof of such publication was filed with the Clerk of this Court on January 9, 2008;

WHEREAS, notice of nonjudicial forfeiture of the same property was also published in the Wall Street Journal on May 20, 2002, May 28, 2002 and June 3, 2002;

WHEREAS, no claims or answers have been filed or made in this judicial forfeiture action, and the requisite time periods in which to do so, as set forth in 18 U.S.C.

§ 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired;

NOW THEREFORE, on the motion of Michel J. Garcia, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, by Assistant United States Attorney Anna E. Arreola, of counsel;

IT IS HEREBY ORDERED THAT:

1. Plaintiff United States of America shall have judgment by default against the Defendant Currency.

2. The Defendant Currency shall be, and the same

hereby is, forfeited to the plaintiff United States of America.

3. The United States Marshals Service shall dispose of the Defendant Currency according to law.

Dated: New York, New York
May ____, 2008

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

\$164,330.00 IN UNITED STATES CURRENCY,

Defendant-in-rem.

**NOTICE OF MOTION
FOR DEFAULT JUDGMENT
07 Civ. 6822**

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States of America
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2218

ANNA E. ARREOLA
Assistant United States Attorney
-Of Counsel-